

REMARKS

The following amendments and remarks are in response to the Official Action mailed February 22, 2006.

In the Official Action, independent claim 48 is rejected under 35 U.S.C. § 102 (b) by both U.S. Patent Nos. 4,881,588 to *Hollenberg et al.* and 4,341,319 to *Ogasawara*. Newly amended claim 48 includes the recitation that a first portion of the neck includes a first fixing means comprising a thread, and a second portion having a second fixing means. Support for this recitation can be found at paragraph [0047]. No new matter has been introduced to the application as a result of this amendment.

In contrast, *Hollenberg* discloses a container comprising an attachment projection (12) provided with an external thread (col. 4, ll. 42-44). A flange is disposed above the projection for closing or opening the annular channel (15). The portion of the attachment projection adjacent to the flange has a diameter that is smaller than the diameter of the portion of the attachment projection that is adjacent to the external threads. Thus, the position of the flange is equivalent to the position of the first portion of claim 48. And as stated previously, as included in claim 48, the first portion includes external threads. *Hollenberg*, therefore, does not include all of the recitations included within claim 48 and its dependent claims.

Similarly, *Ogasawara* discloses annular flange disposed along a first portion of a neck and not external threads as included in claim 48. Thus, for argument consistent with those made above, *Ogasawara* does not anticipate claim 48 and its dependent claims.

Claim 58 is rejected under 35 U.S.C. § 102 (b) in view of either *Hollenberg* or *Ogasawara*. Newly amended independent claim 58 includes the recitation that a neck of a receptacle

includes a first portion having a first inside diameter and a second portion located between the first portion and a body of the receptacle having a second inside diameter. The second inside diameter is greater than the first inside diameter. Claim 58 also includes the recitation that the device also includes at least one accessory configured for removably fixing onto the neck of the receptacle by fastening only on the first fixing means. No new matter has been introduced as a result of this amendment.

In contrast, *Hollenberg* discloses a cap (4) that is fixed on an applicator head (3). The applicator head (3) is fixed onto the receptacle by both a thread (12) and a nipple (19a), as disclosed at column 5, lines 50-54. Therefore, *Hollenberg* does not disclose all of the limitation of independent claim 58. And similarly, *Ogasawara* has a constant neck diameter in contrast to the invention defined by claim 58. Therefore, Applicant asserts that newly amended claim 58 is patentably distinct from *Hollenberg* and *Ogasawara* and should be deemed patentable, as well as their dependent claims.

Independent claims 91 and 93, which are also rejected in view of *Ogasawara*, include the recitation that the inside diameter of the neck varies. *Ogasawara* as stated before discloses a neck with a constant diameter. Thus, Applicant asserts that claims 91 and 93 are in condition for allowance.

Independent claim 86 is rejected under 35 U.S.C. § 103 (a) as being unpatentable over U.S. Patent No. 5,306,399 to *Joulia* in view of U.S. Patent No. 5,513,763 to *Adams*. Amended claim 86 includes the recitation that the fixing means are situated between a free end of an assembly skirt and an annular bead of the assembly skirt. No new matter has been introduced as a result of this amendment.

Joulia does not disclose such an annular bead. And *Adam*, while disclosing a locking bead (31), which is situated

between a free end (34) of a cap and an internal thread (24), does not disclose a thread (24) between the locking bead (31) and the free end of the cap (33). Thus Applicant asserts that claim 86 and its dependent claims are patentable over the cited art.

Claim 89 is rejected under 35 U.S.C. § 102 (e) as being anticipated by U.S. Patent No. 6,523,720 to *Robbins*. Amended claim 89 includes the recitation that the body contains a cosmetic product. This is contrasted with *Robbins*, which discloses a receptacle for consumable liquids for commercial food and thus does not include all of the recitations of claim 86. Applicant therefore asserts that claim 89 is in condition for allowance.

Claim 52 is rejected over *Ogasawara* in view of *Robbins*. *Robbins* is cited for disclosing both fixing means including threads and enabling screw fastening. Regardless, the Examiner asserts that the two references are combinable yet does not point to any location or text, which asserts that one skilled in the art would be motivated to combine the two. *Robbins* is directed to a container for holding consumable liquids as opposed to a cosmetic, for which *Ogasawara* is designed for. Thus Applicant asserts that claim 52 is in condition for allowance.

Claim 61 is rejected under 35 U.S.C. 103 (a) over *Hollenberg* in view of U.S. Patent No. 5,326,185 to *Dornbusch* et al. *Dornbusch* is cited for the sealing surface having an annular bead. Regardless, claim 61 depends from claim 58 which includes the recitation that the accessory only fastens on the first fixing means. *Dornbusch* does not teach such a recitation and therefore, *Dornbusch* and *Hollenberg* do not teach all of the recitations of claim 61.

Claims 65-68, 70-72 and 74 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over *Hollenberg* in view

of U.S. Patent No. 6,457,476 to *Elmer et al.* *Elmer* is cited for teaching teeth having a dispenser. Regardless, claims 65-68, 70-72 and 74 depend from claim 58 and therefore for reasons consistent with those made with regard to claim 58, claims 65-68, 70-72 and 74 should be deemed allowed.

Claims 65 and 73 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over *Hollenberg* in view of U.S. Patent No. 2,270,529 to *Kirschenbaum*. *Kirschenbaum* is cited for teaching one of the teeth having a displaced dispensing orifice. Regardless, claims 65 and 73 depend from claim 58 and for arguments consistent with those made with regard to claim 58, claims 65 and 73 should be allowed.

Claim 95 has been amended in response to the 35 U.S.C. 112 rejection. No new matter has been added to the application.

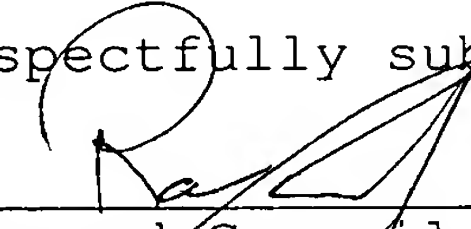
As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he/she telephone Applicant's attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

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Respectfully submitted,

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